

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SHANISE SHIDAGIS,

Plaintiff,

-v-

3:23-CV-192

CITGO GAS STATION, Manager,

Defendant.

APPEARANCES:

OF COUNSEL:

SHANISE SHIDAGIS

Plaintiff, Pro Se

202 Oakhill Avenue

Endicott, NY 13760

DAVID N. HURD

United States District Judge

ORDER ON REPORT & RECOMMENDATION

On February 10, 2023, *pro se* plaintiff Shanise Shidagis (“plaintiff”) filed this civil action alleging that the named defendant caused an injury to her knee. Dkt. No. 1. Along with her complaint, plaintiff sought leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 2.

On March 6, 2023, U.S. Magistrate Judge Miroslav Lovric granted plaintiff’s IFP Application for the purpose of an initial review and advised by Report & Recommendation (“R&R”) that plaintiff’s complaint be dismissed

without prejudice but without leave to replead. Dkt. No. 4. As Judge Lovric explained, even liberally construed plaintiff's "personal injury" claim against a non-diverse defendant did not give rise to subject matter jurisdiction over the suit. *Id.* And because there was no indication that better pleading might give rise to federal jurisdiction over plaintiff's personal injury claim against a non-diverse, private-party defendant, Judge Lovric recommended dismissing plaintiff's complaint without leave to replead. *Id.* In doing so, Judge Lovric observed that plaintiff has filed five civil lawsuits in this District within the last six months. Dkt. No. 4. Each of those civil actions has suffered from the same or similar pleading deficiencies as the one identified here. *Id.*

Plaintiff has not filed objections. The time period in which to do so has expired. *See* Dkt. No. 4. Upon review for clear error, the R&R will be accepted and adopted in all respects. *See* FED. R. CIV. P. 72(b). As a final matter, plaintiff is advised to take heed of Judge Lovric's warning: proceeding without the payment of the filing fee in a civil lawsuit is a privilege extended to litigants at the Court's discretion, and the repeated filing of lawsuits that lack an arguable basis in law or in fact is likely to lead to the denial of that privilege. If circumstances warrant, it might also lead a referral to the Chief Judge for further action.

Therefore, it is

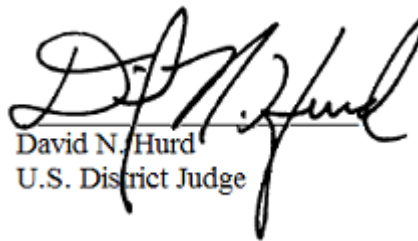
ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. Plaintiff's complaint is DISMISSED without prejudice but without leave to replead.

The Clerk of the Court is directed to terminate the motion and close the file.

IT IS SO ORDERED.

Dated: March 24, 2023
Utica, New York.



David N. Hurd
U.S. District Judge